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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

In re Marriage of CATHERINE and
SHAHRAM HASHEMIZADEH.

B251356

(Los Angeles County
Super. Ct. No. LD055438)

CATHERINE HASHEMIZADEH,

Respondent,

v.

SHAHRAM HASHEMIZADEH,

Appellant.

APPEAL from a judgment and an order of the Superior Court of Los Angeles County, Steff R. Padilla, Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.)
Affirmed in part; reversed in part with directions.

The Law Offices of Rosenthal & Associates and Lisa F. Rosenthal for Appellant.
Ferguson Case Orr Paterson, Wendy C. Lascher and John A. Hribar for
Respondent.

INTRODUCTION

In this marital dissolution matter, Shahram Hashemizadeh (Husband) appeals from the judgment on reserved issues.¹ He contends reversal is required because the court (1) inappropriately considered evidence that was not adduced during trial to find certain real property in Agoura Hills was community property, (2) failed to adjudicate community debts, and (3) failed to divide community assets. Husband also challenges the court's order that his visits with his daughter be supervised by a professional monitor. We reverse that part of the judgment related to the court's finding that the Agoura Hills property was community property and its award of half of the property to Catherine Hashemizadeh (Wife). In all other respects, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Husband and Wife married on February 22, 1999 and had one daughter, Jana. The parties separated on June 17, 2009, and Wife petitioned for dissolution of the marriage on June 23, 2009.

On April 6, 2012, the court entered judgment terminating marital status and retaining jurisdiction over issues of child custody and visitation, child and spousal support, as well as the division of community property. A trial on the remaining issues commenced on August 27, 2012 and was conducted over multiple days, ending on December 28, 2012.

¹ Husband also appeals from the court's order denying his motion for a new trial. As Husband makes no argument concerning the court's ruling on his motion for a new trial in his brief, the issue is waived. (*Behr v. Redmond* (2011) 193 Cal.App.4th 517, 538.)

During trial, Husband testified about credit card debt and loan obligations incurred during marriage. He claimed the outstanding community liabilities were in excess of \$800,000 and subject to division between the parties.

The court also heard testimony regarding Wife's jewelry. Wife testified her representation on her schedule of assets and debts indicating she entered the marriage with jewelry valued at \$3 million was an error. Instead, she explained that prior to marriage she owned jewelry valued at only \$30,000 and acquired additional jewelry valued at \$3,000 during the marriage.

Wife's counsel questioned Husband about an assignment and deed of trust recorded July 13, 2012 related to real property in Agoura Hills. Husband explained a friend named Lila Sadafi owed him \$7,000 or \$8,000 for a commercial his television station broadcast for Sadafi two or three years earlier. Husband "signed it back to" Safadi just three days later because she paid him the money she owed. Husband denied owning the property.²

Wife's counsel also asked Husband about a second deed of trust allegedly evidencing a transfer of the Agoura Hills property to a limited liability company called Your Land, LLC. Husband denied having any knowledge about Your Land, LLC but acknowledged that the address to which the recorded document was sent was his business address in Chatsworth.

Following closing argument by counsel, the court took the matter under submission and stated: "I will give a written ruling because I have to do a written ruling because it was a trial well over eight hours. It involves custody, visitation, support, and property issues, and I believe the code requires that that be a written ruling." The court further stated, "Counsel are not asking for a statement of decision. You don't need to. The court's going to make a written ruling on all these issues"

² Neither party introduced evidence of the record title holder of the property.

On March 8, 2013, the court issued a minute order, a “Statement of Decision and Tentative Ruling on Issue of Child Custody” with a DissoMaster Report,³ and a “Tentative Decision on Issue of Spousal Support.” The court addressed different contested issues in each of the three documents.

The March 8, 2013 minute order states that “[t]he matter having been taken under submission . . . , the court now rules as follows and issues its attached statements of decision [spousal support; child custody; property].”⁴ The court ordered counsel for Wife to prepare the judgment, and awarded the real property in Agoura Hills to Husband, among other things.

The court’s “Statement of Decision and Tentative Ruling on Issue of Child Custody” states, “This document constitutes the Court’s Statement of Decision; and it is the Court’s Tentative Decision on the issues determined herein,” namely child custody. The court awarded sole physical and legal custody of Jana to Wife and ordered supervised visitation for Husband with a professional monitor. The court explained it ordered supervised visitation because of Husband’s inability to follow court orders and Jana’s “extreme distress” in seeing her father.

In connection with its custody orders, the court also found that “Jana has been suffering emotionally and has for quite some time” and “should attend counseling to address her fears about father.” The court determined that counseling was in Jana’s best interests because of her “parents[’] inability to communicate safely and father[’]s inability to act in the best interest of the minor.” The court ordered Jana to receive counseling for a period not to exceed one year and ordered Husband to pay for Jana’s therapy. The court also made findings related to the risk of abduction in accordance with

³ “The DissoMaster is a privately developed computer program used to calculate guideline child support under the algebraic formula required by [Family Code section] 4055. [Citation.]” (*In re Marriage of Williams* (2007) 150 Cal.App.4th 1221, 1227, fn. 5.)

⁴ There was no statement of decision regarding property.

Family Code section 3048. A DissoMaster Report calculating basic child support at \$2,515 per month followed the last page of the statement of decision on child custody.

The court's "Tentative Decision on Issue of Spousal Support" specifically provided: "In this document, the Court announces its Tentative Decision. The Tentative Decision will be the Statement of Decision unless within ten (10) days either party files and serves a document that specifies controverted issues or makes proposals not covered in the Tentative Decision as provide[d] by California Rules of Court, [r]ule 3.1590(c). Pending further order or entry of Judgment, the Tentative Decision constitutes the temporary orders of the Court." (Italics omitted.)

On March 18, 2013, in response to the documents issued by the court, Wife timely filed a "notice re principal controverted issues" and a request for "a statement of decision from court's tentative decision and tentative ruling on issues of child custody, child support, spousal support and division of property made on March 8, 2013." Wife also "specifie[d] controverted issues and ma[de] proposals not covered in the Tentative Decision as provided by California Rules of Court, [r]ule 3.1590(c)."

As relevant to this appeal, Wife argued the court's "tentative ruling on division of community property is neither equitable nor fair." She pointed out that the court made no ruling regarding community automobiles or the furniture and furnishings in the family home.

Wife further maintained that her attorney had not received a statement of decision explaining the court's decision concerning the division of property. Wife questioned the court's tentative award of the real property to Husband. Wife claimed ownership of the real property in Agoura Hills under "Your Land LLC" was disputed, and the court awarded the property to Husband despite his denial that he even owned the property.

Attached to Wife's objections was additional evidence not introduced at trial regarding the Agoura Hills property. Wife submitted records of two cashier's checks purchased by Husband on October 17, 2012 (after marital status was terminated) from Bank of the West in the amount of \$10,673.74 and \$139,115, respectively, made payable to the "LA County Tax Collector." In the "Memo" section of the \$139,115 check,

“YOUR LAND LLC” was typed. “Your Land” was handwritten on a portion of the record of the \$10,673.74 check.⁵ Wife also submitted a copy of a land title survey of the Agoura Hills property prepared for “Shah Hashemizadeh,” depicting the 32 parcels comprising the property. In light of this evidence, none of which was authenticated, Wife asked the court to award her the Agoura Hills property in its entirety.

Husband thereafter filed a document entitled, “Objection to Proposed Judgment.” He pointed out that the proposed statement of decision had not addressed “the issue and division of the two cars,” “the division of the \$100,000 of household furniture and furnishings,” \$3 million in jewelry that Wife claimed in her schedule of assets and debts, and the division of community debt. Husband also objected to Wife’s post-trial evidence. Husband asked the court either to “correct the statement of decision to address fully these issues” or “[r]e-open trial so that these issues can be fully adjudicated” and “that no judgment be entered at this time.”

In its April 15, 2013 minute order, which described the nature of the proceedings as “Case Review/Final Ruling on Spousal Support; Child Custody; Property,” the court ruled on the parties’ objections. Among other things, the court awarded Wife one automobile and Husband the other, awarded half the land in Agoura Hills to Wife and half to Husband, and directed that the household furniture and furnishings be divided equally. The court noted that Husband’s “objections [were] overruled except as [to] those modifications based on [Wife’s] objections.” In overruling Husband’s objections, the court impliedly rejected Husband’s assertion that there was community debt.

On May 28, 2013, prior to entry of judgment on June 18, Husband filed a motion for new trial. In his motion, Husband referenced his objections to the court’s statement of decision, noting that his objections “included the statement that the trial [c]ourt did not

⁵ These checks were purchased two days before Husband acknowledged at trial, on October 19, 2012, that he had claimed zero income in his June 20, 2012 income and expense declaration yet testified that his monthly income had been \$3,000 for “[m]aybe like six months.”

adjudicate the assets and the debts” of the parties. Acknowledging that the court overruled his objections, Husband emphasized that “the issues of the division of the community assets, specifically, the \$300,000 of jewelry^[6] held by [Wife] needs to be divided. And the debts of the community need to be divided[—]specifically the \$800,000.00 of community debts”

On June 18, 2013, the court entered its judgment on reserved issues. The judgment directed that the household furnishings and furniture be divided equally and stated, “There are no community debts.” The court reserved jurisdiction to divide any community assets not listed in the judgment.

On July 29, 2013, the court denied Husband’s motion for a new trial. The court served Husband by mail with a copy of its ruling denying his motion for a new trial on August 9, 2013. Husband filed his notice of appeal 26 days later on September 4, 2013.

DISCUSSION

A. Husband’s Notice of Appeal Was Timely

Preliminarily, we address Wife’s contention that Husband’s appeal is untimely and must be dismissed. “Compliance with the time for filing a notice of appeal is mandatory and jurisdictional. [Citations.] If a notice of appeal is not timely, the appellate court must dismiss the appeal.’ [Citations.]” (*Ellis v. Ellis* (2015) 235 Cal.App.4th 837, 842.)

Generally, a notice of appeal must be filed within 60 days after service of the notice of entry of judgment. (Cal. Rules of Court, rule 8.104(a)(1)(A);⁷ *Tabarrejo v. Superior Court* (2014) 232 Cal.App.4th 849, 865.) In this case, the court entered judgment on reserved issues on June 18, 2013. The same day, the clerk of the court

⁶ Husband appears to have recognized that Wife’s representation that she had jewelry valued at \$3 million was an error. It is not clear, however, why Husband believed jewelry valued at \$300,000 was in issue.

⁷ All references to rules are to the California Rules of Court.

served notice of entry of judgment on both parties. Under rule 8.104, the notice of appeal had to be filed on or before Monday, August 19, 2013 (the 60th day fell on Saturday) to be timely. Therefore, the notice of appeal filed on September 4, 2013 was untimely unless the time for filing the notice was extended in accordance with rule 8.108.

Rule 8.108(b) extends the time for filing a notice of appeal when a valid notice of intention to move for a new trial is filed. (See *Anderson v. Chikovani* (2010) 181 Cal.App.4th 1397, 1399.) Rule 8.108(b) provides: “If any party serves and files a valid notice of intention to move for a new trial, the following extensions of time apply:

“(1) If the motion for a new trial is denied, the time to appeal from the judgment is extended for all parties until the earliest of:

“(A) 30 days after the superior court clerk mails, or a party serves, an order denying the motion or a notice of entry of that order;

“(B) 30 days after denial of the motion by operation of law; or

“(C) 180 days after entry of judgment.”

The word “valid” as used in rule 8.108(b) “means only that the motion, election, request, or notice complies with all procedural requirements; it does not mean that the motion, election, request, or notice must also be substantively meritorious.” [Citations.]” (*Conservatorship of Townsend* (2014) 231 Cal.App.4th 691, 701.) “Timely filing is essential to the jurisdiction of the court to entertain a motion for a new trial. [Citations.] The trial court does not have the jurisdiction to make an order granting a new trial on its own motion. The power to grant a new trial may be exercised only through statutorily authorized procedure. [Citation.]” (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 151.)

Code of Civil Procedure⁸ section 659 provides in part: “(a) The party intending to move for a new trial shall file with the clerk and serve upon each adverse party a notice of his or her intention to move for a new trial, designating the grounds upon which the

⁸ All further statutory references are to the Code of Civil Procedure unless otherwise indicated.

motion will be made and whether the same will be made upon affidavits or the minutes of the court, or both, either:

“(1) After the decision is rendered and before the entry of judgment.

“(2) Within 15 days of the date of mailing notice of entry of judgment by the clerk of the court pursuant to Section 664.5”

“A notice of intention filed before the time permitted by statute is premature, void, and of no effect. [Citations.] A trial court has no jurisdiction to rule on a premature new trial motion, so any trial court proceedings or orders on such a premature motion likewise are void and of no effect. [Citations.]” (*Ochoa v. Dorado* (2014) 228 Cal.App.4th 120, 132; see also *Ehrler v. Ehrler*, *supra*, 126 Cal.App.3d at p. 151.)

“The concept of prematurity as applied to new trial proceedings is based on two major concepts—one is that to vest the trial court with the jurisdiction to pass on a motion for a new trial a timely notice must be made [citation]. The other is that the motion cannot be made until there is a decision in the case. The statutory scheme on new trials makes it quite evident that a new trial is not proper until the action has been prosecuted to a point where it can be said to be complete. [Citations.] A new trial is defined as “a re-examination of an issue of fact in the same court after a trial and decision by a jury, court, or referee.” (. . . § 656.) Under section 657 . . . a “verdict may be vacated and any other decision may be modified or vacated” upon application for a new trial made by any “party aggrieved.” Until there has been a decision there is no aggrieved party. [Citations.] Based on these propositions the cases have developed the rule that giving notice of intention to move for a new trial before the case is *decided* is “premature,” and without legal effect. That is sound law.’ [Citation.]” (*Ochoa v. Dorado*, *supra*, 228 Cal.App.4th at p. 132.)

“A ‘trial and decision’ (§ 656) occurs only when *all issues have been determined as to the party moving for a new trial*, either by jury verdict, as to issues decided by the jury, or by the court, as to issues decided by the court. [Citations.] As to issues decided by the court, a decision is rendered when the court files its statement of decision or, if none was requested, when judgment is entered. [Citations.] ‘A notice of intention to

move for a new trial is “premature” and void if filed before there has been a “trial and decision.” (. . . § 656.)’ [Citation.]” (*Ochoa v. Dorado, supra*, 228 Cal.App.4th at pp. 132-133, italics added.)

Husband filed his motion for new trial on May 28, 2013 before entry of judgment on June 18, 2013. Wife maintains that Husband’s motion for a new trial was not *valid* because it was filed prematurely before the court made a decision on all issues between the parties and therefore did not extend the time for filing a notice of appeal under rule 8.108(b).⁹ We disagree.

While the court did not resolve all issues between the parties in its statements of decision, it effectively did so in its April 15, 2013 minute order. Therein it ruled on the parties’ objections pertaining to the division of property, and, in overruling Husband’s objection that it failed to adjudicate community debts, the court impliedly found there were none. As noted by Husband’s counsel during oral argument, the court’s minute order of April 15, 2013 made it clear the court would be issuing nothing further. The minute order noted it was the court’s final ruling on spousal support, child custody and property.

As such, Husband’s motion was not filed prematurely on May 28, 2013. It comported in all respects with section 659, subdivision (a)(1), and thus was valid. Therefore, under rule 8.108(b)(1)(A), the time for Husband to appeal from the judgment was extended 30 days from the date of service of the notice of entry of the order denying the motion. (Cf. *Ochoa v. Dorado, supra*, 228 Cal.App.4th at pp. 132-133.)

The court denied Husband’s motion for a new trial on July 29, 2013. The court served Husband by mail with a copy of its ruling on August 9, 2013. Husband therefore had 30 days from August 9, 2013, or until Monday, September 9, 2013 (the 30th day fell

⁹ This is Wife’s second attempt to seek dismissal of this appeal. On February 4, 2014, after the record on appeal was filed, Wife filed a motion to dismiss Husband’s appeal on a different ground. On February 24, 2014, this court denied Wife’s motion.

on Sunday) to appeal. His notice of appeal filed 26 days later on September 4, 2013 was timely.¹⁰

B. Substantial Evidence Does Not Support the Court's Finding that the Agoura Hills Property was Community Property

As noted, on March 8, 2013, the court issued a minute order, in which it awarded the real property in Agoura Hills to Husband. In her notice re principal controverted issues and request for a statement of decision filed March 18, 2013, Wife challenged the court's award of the land in Agoura to Husband. Wife emphasized that during trial Husband denied owning or having any knowledge about the land.

For the first time in her post-trial filing, Wife presented the court with unauthenticated copies of purchaser's records of two cashier's checks purchased by Husband on October 17, 2012. Both checks were made payable to the Los Angeles County Tax Collector and referenced "Your Land LLC." One check was for \$10,673.74; the other was for \$139,115. Wife also provided an unauthenticated copy of a land title survey of the Agoura Hills property which states, "Prepared for Shah Hashemizadeh." This evidence, if authenticated and believed, would establish only that Husband was untruthful on October 19, 2012 and December 7, 2012 when he testified that he was

¹⁰ Wife alternatively argued in her brief that if the May 28, 2013 new trial motion was valid, Husband's notice of appeal still would be untimely because the motion was denied by operation of law on July 27, 2013 and thus, under rule 8.108(b)(1)(B), Husband only had 30 days or until August 26, 2013 to file his notice of appeal. Wife conceded after oral argument by letter to this court, however, that the court had 60 days from May 28, 2013, or until July 29, 2013 (the 60th day fell on Saturday, July 27, 2013), to rule on Husband's new trial motion. (§§ 12a, 660 ["the power of the court to rule on a motion for a new trial shall expire 60 days from and after the mailing of notice of entry of judgment by the clerk of the court pursuant to Section 664.5 or 60 days from and after service on the moving party by any party of written notice of the entry of the judgment, whichever is earlier, or if such notice has not theretofore been given, then 60 days after filing of the first notice of intention to move for a new trial"].) The court denied Husband's motion for new trial on July 29, 2013, the 60th day, as it was empowered to do.

unfamiliar with Your Land LLC. While the evidence calls into question Husband's veracity, the evidence does not establish the Agoura Hills property is community property.

The parties separated on June 17, 2009, and the court terminated their marriage on April 6, 2012.¹¹ The evidence included in the record demonstrates, at best, Husband may have acquired the Agoura property on or after July 13, 2012 after the parties' marital status was terminated by the court.¹² Neither Husband's testimony nor the documentary evidence offered post-trial by Wife establishes the Agoura Hills property was community property.

Only property acquired during marriage is community property. (Fam. Code, §§ 760, 771; see *In re Marriage of Stephenson* (1984) 162 Cal.App.3d 1057, 1085 [post-separation accumulations are separate property unless such property was obtained with community funds].) As Wife did not demonstrate that Husband's post-marital acquisition of the Agoura Hills property, assuming he owns the Agoura Hills property, was community property, the court erred in awarding half of it to her.¹³

Moreover, because the court provided no explanation for its determination on the Agoura Hills property, it appears the court may have improperly relied upon Wife's post-trial evidence. While we cannot determine whether it did, such reliance would have been clear error and would have deprived Husband of his right to challenge such evidence. (*August v. Department of Motor Vehicles* (1968) 264 Cal.App.2d 52, 60 [cross-

¹¹ Husband argues the couple's date of separation was June 17, 2009. We cannot locate anywhere in the record that the court made that determination.

¹² There is no evidence before the court to establish record ownership of the property.

¹³ As Husband allegedly acquired the Agoura Hills property after his marriage to Wife terminated, Wife cannot rely on the general community property presumption that property acquired during marriage is presumed to be community property in order to shift the burden of proof to husband to demonstrate the property is separate property. (Fam. Code, § 760.)

examination and confrontation of witnesses in civil cases is part of the procedural due process guarantee of the constitution]; see Evid. Code § 773.) In any event, the evidence, even if considered, was not substantial evidence the Agoura Hills property was community property. Wife simply did not establish an entitlement to one-half the Agoura Hills property.¹⁴

C. Monitored Visitation

Husband does not challenge the court's order awarding Wife sole legal custody of Jana. Instead, Husband contends the court erred in requiring his visitation with Jana to be monitored.

“The standard of appellate review of custody and visitation orders is the deferential abuse of discretion test. [Citation.] The precise measure is whether the trial court could have reasonably concluded that the order in question advanced the ‘best interest’ of the child.” (*In re Marriage of Burgess* (1996) 13 Cal.4th 25, 32.)

In two separate places in the judgment on reserved issues, the court ordered Husband's visits with Jana to be supervised by a professional monitor. Each visitation order is supported by a different factual conclusion.

The first order is set forth in that portion of the judgment pertaining to child custody and visitation. Specifically, the court ordered Husband to “have monitored visitation with the minor child through a professional monitor on Saturdays from 11:00 a.m. to 3:00 p.m.” The court further ordered Wife to transport Jana to and from Saturday visits and designated the exchange point as the lobby of the Van Nuys Police Department.

In its statement of decision, the court set forth the basis for this order as Husband's “ongoing inability . . . to follow court orders” and Jana's “extreme distress in seeing her

¹⁴ In light of our conclusions, we need not address Husband's constitutional claims. (*Erika K. v. Brett D.* (2008) 161 Cal.App.4th 1259, 1272 [“[p]rudent judicial restraint requires courts to avoid the unnecessary decision of constitutional issues”].)

father.” Husband does not challenge either of these factual findings, which are amply supported by the evidence and alone justify the court’s decision that visitation be monitored. The court reasonably concluded monitored visitation for Jana would advance her best interests given her extreme emotional distress associated with visits with Husband.¹⁵

The court’s second order for monitored visitation is located in the child abduction prevention order attachment to the judgment. There the court, pursuant to Family Code section 3048,¹⁶ found there was a risk that Husband would take Jana without permission

¹⁵ During trial, the court observed that Husband “has violated order, after order, after order.” The record reveals that during two visits, Husband became frustrated because Jana did not want to see him, and he threatened her by telling her that he would seek full custody of her.

The evidence also shows that Jana did not want to see her father, and she repeatedly begged her mother not to go. Jana also told her father that she did not want to see him and did not love him. Jana shied away when her father tried to hug her. She did not want her father to touch her. The reasons underlying Jana’s adverse reaction to her father are not reflected in the record.

¹⁶ Subdivision (b) of Family Code section 3048 provides: “(1) In cases in which the court becomes aware of facts which may indicate that there is a risk of abduction of a child, the court shall, either on its own motion or at the request of a party, determine whether measures are needed to prevent the abduction of the child by one parent. To make that determination, the court shall consider the risk of abduction of the child, obstacles to location, recovery, and return if the child is abducted, and potential harm to the child if he or she is abducted. To determine whether there is a risk of abduction, the court shall consider the following factors: [¶] (A) Whether a party has previously taken, enticed away, kept, withheld, or concealed a child in violation of the right of custody or of visitation of a person. [¶] (B) Whether a party has previously threatened to take, entice away, keep, withhold, or conceal a child in violation of the right of custody or of visitation of a person. [¶] (C) Whether a party lacks strong ties to this state. [¶] (D) Whether a party has strong familial, emotional, or cultural ties to another state or country, including foreign citizenship. This factor shall be considered only if evidence exists in support of another factor specified in this section. [¶] (E) Whether a party has no financial reason to stay in this state, including whether the party is unemployed, is able to work anywhere, or is financially independent. [¶] (F) Whether a party has engaged in planning activities that would facilitate the removal of a child from the state, including quitting a job, selling his or her primary residence, terminating a lease, closing

because he (1) “has violated—or threatened to violate— a custody or visitation order in the past”; (2) “does not have strong ties to California”; (3) took “[a]ctions demonstrating a plan to leave the state including the sale of assets or making travel plans under [Family Code s]ection 3048[, subdivision] (b)(1)(F)”; (4) has a history of “child abuse” and “not cooperating with the other parent in parenting”; and (5) “has family or emotional ties to another country, state, or foreign country.” To prevent Husband from taking Jana without permission, the court ordered Husband to “have monitored visitation with the minor child through a professional monitor,”¹⁷ and it imposed moving and travel restrictions.

Husband challenges the court’s abduction findings underlying its second order for monitored visitation within the judgment on reserved issues. We need not address this challenge. Assuming for the sake of argument that monitored visitation was not justified by a risk of abduction, as we have already noted, monitored visitation was warranted by the unchallenged findings underlying the court’s first order for monitored visitation—i.e., Husband’s violation of court orders and Jana’s unexplained extreme emotional distress and angst in being with her father.

a bank account, liquidating other assets, hiding or destroying documents, applying for a passport, applying to obtain a birth certificate or school or medical records, or purchasing airplane or other travel tickets, with consideration given to whether a party is carrying out a safety plan to flee from domestic violence. [¶] (G) Whether a party has a history of a lack of parental cooperation or child abuse, or there is substantiated evidence that a party has perpetrated domestic violence. [¶] (H) Whether a party has a criminal record.”

¹⁷ Subdivision (b)(2) of Family Code section 3048 states in pertinent part that “[i]f the court makes a finding that there is a need for preventative measures after considering the factors listed in paragraph (1), the court shall consider taking one or more of the following measures to prevent the abduction of the child: [¶] (A) Ordering supervised visitation.”

D. Marital Debts

In his statement of assets and debts, Husband set forth more than \$800,000 in community debt. Husband contends the court failed to adjudicate those liabilities. Husband is mistaken. In the judgment on reserved issues, the court specifically found “[t]here are no community debts.” This finding constitutes an adjudication that there was no marital debt to divide between the parties.

Husband does not challenge the sufficiency of the evidence supporting the court’s finding that there were no community debts. Even if he had, his failure to set forth any, let alone all, material evidence adduced at trial on the subject of community debts would result in a waiver of the issue. (*Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246.)

E. Marital Assets

Family Code section 2550 provides: “Except upon the written agreement of the parties, or on oral stipulation of the parties in open court, or as otherwise provided in this division, in a proceeding for dissolution of marriage or for legal separation of the parties, the court shall, either in its judgment of dissolution of the marriage, in its judgment of legal separation of the parties, *or at a later time if it expressly reserves jurisdiction to make such a property division*, divide the community estate of the parties equally.” (Italics added.)

In reliance on Family Code section 2550, Husband contends reversal is required because the court failed to divide \$100,000 in community furniture. Husband is incorrect. In both its minute order of April 15, 2013 and its judgment on reserved issues, the court expressly ordered the furnishings and furniture in the family home to be divided equally.

Husband also contends reversal is required because the court failed to adjudicate jewelry that Wife identified in her schedule of assets and debts valued at \$3 million. Husband further argues the court failed to reserve jurisdiction over the jewelry to divide it later. Again, Husband is mistaken. While the judgment is silent on the issue of jewelry, the court in its judgment “reserve[d] jurisdiction to divide any community assets not

listed here.” Husband has thus failed to demonstrate that the court violated Family Code section 2550. Moreover, Family Code section 2556 provides Husband with a remedy here. Husband may file a postjudgment motion “to award community estate assets . . . to the parties that have not been previously adjudicated by a judgment in the proceeding.” (Fam. Code, § 2556.)

DISPOSITION

That portion of the judgment on reserved issues awarding Wife and Husband each one-half the land in Agoura Hills is reversed. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

BECKLOFF, J.*

We concur:

PERLUSS, P. J.

SEGAL, J.

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.